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07 AUG 31 AM 9:32
RICHARD W. WICKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for Federal Defendant
Benjamin F. Parks

JSW

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CHERYL JOHNSON NEMES,

Plaintiff,

v.

BENJAMIN F. PARKS, AND DOES 1 to 100,

Defendants.

Case No. **C 07 4514**

NOTICE OF REMOVAL

TO: Clerk, Superior Court of California
County of San Francisco
400 McAllister Street, Rm. 103
San Francisco, California 94102-3680

Cheryl Johnson Nemes
1000 Market Street, #312
San Francisco, California 94102

PLEASE TAKE NOTICE that on this day Case No. CGC-07-465693 pending in the San Francisco Superior Court is being removed to the United States District Court for the Northern District of California, pursuant to 28 U.S.C. §§ 1441(a), 1441(b), and 2679(d)(2), on behalf of federal defendant Benjamin F. Parks. Upon direction by the Attorney General of the United States and pursuant to 28

NOTICE OF REMOVAL
Nemes v. Parks

1 U.S.C. § 1446, the undersigned attorneys hereby present the following facts to the Judges of the United
2 States District Court for the Northern District of California.

3 1. On August 1, 2007, plaintiff Cheryl Johnson Nemes filed a Complaint in the San Francisco
4 Superior Court against Administrative Law Judge Benjamin F. Parks, and Does 1 to 100.

5 2. Plaintiff checked the following causes of section boxes: business tort/unfair business
6 practice, civil rights, and professional negligence. Specifically, Plaintiff is suing Benjamin F. Parks for
7 "Concealing government records to delay or impede justice re SSA/PASS contract." The administrative
8 law judge denied plaintiff's Plan to Achieve Self Support because her application lacked sufficient
9 supporting documentation as to the feasibility of her business plan. Plaintiff seeks monetary,
10 declaratory or injunctive relief, and punitive damages.

11 3. On or about August 9, 2007 the Social Security Administration was served with a copy of the
12 Summons and Complaint. Copies of the Summons and Complaint are attached as Exhibit A pursuant to
13 28 U.S.C. § 1446(a), which constitutes the only process, pleading, or order which has been received.

14 4. This action is one which may be removed to district court because at the time of the alleged
15 incident, Benjamin F. Parks was acting within the scope of his employment as an Administrative Law
16 Judge with the Social Security Administration Office of Disability Adjudication and Review, within the
17 meaning of 28 U.S.C. § 2679(d)(2).

18 5. Upon certification by the Attorney General, the action shall be removed to the District Court
19 at any time prior to trial. The United States Attorney is delegated under 28 C.F.R. § 15.3 to make the
20 certification provided for in 28 U.S.C. § 2679(d)(2). The Chief of the Civil Division has been
21 authorized to exercise on behalf of the United States Attorney the authority vested in him by the
22 Attorney General, pursuant to 28 C.F.R. § 15.3. The Chief of the Civil Division has certified that
23 Benjamin F. Parks was acting within the course and scope of his employment. See Certification
24 Pursuant to 28 U.S.C. § 2679(d). This certification is conclusive for purposes of removal. 28 U.S.C.
25 § 2679(d)(2).

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28 NOTICE OF REMOVAL
Nemes v. Parks

1 6. Upon removal the United States is automatically substituted for Benjamin F. Parks, and this
2 action will proceed as an action against the United States of America pursuant to 28 U.S.C. § 1346(b)
3 subject to the limitations and exceptions applicable to those actions. 28 U.S.C. § 2679(d)(4).

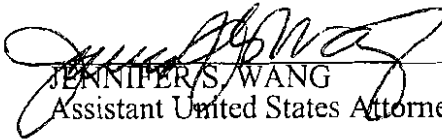
4 7. A copy of this Notice is being filed with the Clerk of the San Francisco Superior Court, which
5 will effect the removal of the action in its entirety to this Court for all further proceedings pursuant to 28
6 U.S.C. § 1446(d).

7 Respectfully submitted,

8 SCOTT N. SCHOOLS
9 United States Attorney

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11 Dated: August 31, 2007

12 By:


JENNIFER S. WANG
Assistant United States Attorney

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28 NOTICE OF REMOVAL
Nemes v. Parks

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: Benjamin F Parks ALJ
(AVISO AL DEMANDADO): OHA Does 1-10th

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

YOU ARE BEING SUED BY PLAINTIFF: Cheryl Johnson Nemes
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):

SUPERIOR COURT
400 MCALLISTER STREET RM 103
SAN FRANCISCO, CA 94102

CASE NUMBER:
(Número del caso)

CGC-07-465693

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Cheryl Johnson Nemes
1000 Market St #312
San Francisco, CA

DATE:
(Fecha)

Aug 1, 2007
Jordan Park Li
(Secretary)

Deborah Steppe
(Deputy
(Adjunto))

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

- | | |
|--|---|
| under: <input type="checkbox"/> CCP 416.10 (corporation) | <input type="checkbox"/> CCP 416.60 (minor) |
| <input type="checkbox"/> CCP 416.20 (defunct corporation) | <input type="checkbox"/> CCP 416.70 (conservatee) |
| <input type="checkbox"/> CCP 416.40 (association or partnership) | <input type="checkbox"/> CCP 416.90 (authorized person) |
| <input type="checkbox"/> other (specify): | |

4. ☐ by personal delivery on (date):



1. Plaintiff (name or names): Cheryl Johnson, Nicholas Sen Woyce nr. 26. Livingston
alleges causes of action against defendant (name or names): Benjamin F. Parks for concealing government records to delay & impede justice re: SSA / PASS Contract

2. This pleading, including attachments and exhibits, consists of the following number of pages: 1

3. a. Each plaintiff named above is a competent adult.
☐ except plaintiff (name):
(1) ☐ a corporation qualified to do business in California
(2) ☐ an unincorporated entity (describe):
(3) ☐ other (specify):

b. ☐ Plaintiff (name): N/A
a. ☐ has complied with the fictitious business name laws and is doing business under the fictitious name (specify):
b. ☐ has complied with all licensing requirements as a licensee (specify): N/A
c. ☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3c.

4. a. Each defendant named above is a natural person
☐ except defendant (name):
(1) ☐ a business organization, form unknown
(2) ☐ a corporation
(3) ☐ an unincorporated entity (describe): 100
(4) ☐ a public entity (describe):
(5) ☐ other (specify):

☐ except defendant (name):
(1) ☐ a business organization, form unknown
(2) ☐ a corporation
(3) ☐ an unincorporated entity (describe):
(4) ☐ a public entity (describe):
(5) ☐ other (specify):

PLD-C-001

SHORT TITLE:

NEMES VS OHA / PARKS Does 1-1000

CASE NUMBER:

4. (Continued)

b. The true names of defendants sued as Does are unknown to plaintiff.

(1) ☒ Doe defendants (specify Doe numbers): 1-1000 were the agents or employees of the named defendants and acted within the scope of that agency or employment.(2) ☐ Doe defendants (specify Doe numbers): are persons whose capacities are unknown to plaintiff.c. ☐ Information about additional defendants who are not natural persons is contained in Attachment 4c.d. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):5. ☐ Plaintiff is required to comply with a claims statute, anda. ☒ has complied with applicable claims statutes, orb. ☐ is excused from complying because (specify):6. ☐ This action is subject to ☐ Civil Code section 1812.10 ☐ Civil Code section 2984.4.

7. This court is the proper court because

a. ☐ a defendant entered into the contract here.b. ☐ a defendant lived here when the contract was entered into.c. ☐ a defendant lives here now.d. ☐ the contract was to be performed here.e. ☐ a defendant is a corporation or unincorporated association and its principal place of business is here.f. ☐ real property that is the subject of this action is located here.g. ☐ other (specify):

Contract entered into with SSA / OHA from Malco in SF residence

8. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

☐ Breach of Contract☐ Common Counts☐ Other (specify):

Intentional concealment of govt documents in order to influence SSA court decision

9. ☐ Other allegations:

10. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

a. ☐ damages of \$b. ☐ interest on the damages(1) ☐ according to proof(2) ☐ at the rate of (specify): percent per year from (date):c. ☐ attorney's fees(1) ☐ of \$(2) ☐ according to proofd. ☐ other (specify):

Those benefits which would have been granted had the OHA not concealed concrete evidence of

11. ☐ The paragraphs of this pleading alleged on information and belief are as follows (specify paragraph numbers):

Cheryl Johnson Nemes

Date: Aug 5/12 2007

by: [Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

Cheryl Johnson Nemes

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

COMPLAINT—Contract

Page 2 of 2

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Chevy Johnson Nemes 1000 MARICET ST #312 SF CA 94102 TELEPHONE NO.: 415 863 3342 FAX NO.: ATTORNEY FOR (Name):		FOR COURT USE ONLY <div style="text-align: center; font-weight: bold; font-size: 1.2em;"> ENDORSED FILED </div> <div style="text-align: center;"> San Francisco County Superior Court AUG 01 2007 GORDON PARK-LI, Clerk DEBORAH STEPPE Deputy Clerk </div>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 400 McALLISTER STREET RM 103 MAILING ADDRESS: SAN FRANCISCO, CA 94102 CITY AND ZIP CODE: San Francisco, CA BRANCH NAME:		<div style="text-align: center; font-weight: bold; font-size: 1.2em;"> GGC-07-465693 </div> DEPT:	
CASE NAME: Nemes VS OHA / Parks			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PUPDWD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PUPDWD (23) Non-PUPDWD (Other) Tort <input checked="" type="checkbox"/> Business tort/unfair business practice (07) <input checked="" type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input checked="" type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PUPDWD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/reverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (28) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence	d. <input type="checkbox"/> Large number of witnesses e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court f. <input type="checkbox"/> Substantial postjudgment judicial supervision
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3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive

4. Number of causes of action (specify):

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: Chevy Johnson Nemes Chevy Johnson Nemes
 (TYPE OR PRINT NAME) (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2